

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

AGENDA FOR REGULAR CITY COUNCIL MEETING

April 24, 2007
Council Chambers, City Hall
9:00 a.m.

After the meeting is convened, the City Council shall consider the following items in the following order no sooner than the designated times, but may consider them at a later time.

9:00 a.m.: Roll call and Executive Session*
9:00 a.m.: Invocation and Pledge of Allegiance
9:00 a.m.: Ceremonial items followed by all other items posted on the Agenda

*At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

Invocation – Police and Fire Chaplain Sam Faraone
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

1. **NATIONAL REBUILD DAY**
2. **NATIONAL MEDICAL LABORATORY PROFESSIONALS WEEK**
3. **NATIONAL INFANT IMMUNIZATION WEEK**
4. **NATIONAL ADMINISTRATIVE PROFESSIONALS DAY**

RECOGNITIONS

EMPLOYEE RECOGNITIONS

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA**1. APPROVAL OF MINUTES:**

Approval of Minutes for the Regular City Council Meeting of April 17, 2007.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBER(S):**3. RESOLUTIONS:**

3A. That the El Paso City Council authorizes the Mayor to execute the Mayor's Certificate indicating public approval required by Section 147(f) of the Internal Revenue Code and the General Certificate of the City as to the status of the El Paso Housing Finance Corporation in connection with the issuance by El Paso Housing Finance Corporation of its Single Family Mortgage Revenue Bonds (Mortgage-Backed Securities Program), Series 2007. **(All Districts)**
[El Paso Housing Finance Corporation, Susie Byrd, (915) 541-4416]

3B. That the City Manager be authorized to sign an Industrial Site Lease by and between the City of El Paso ("Lessor") and Genesis Three, LLC dba Boeing INS, LLC ("Lessee") for the following described property: Portion of Lot 4, Block 2B, El Paso International Airport Tracts, Replat of Unit 4, consisting of 112,341 square feet of land, City of El Paso, El Paso County, Texas, municipally known and numbered as 6451 Boeing Drive, El Paso, Texas. **(District 3)**
[Airport, Patrick T. Abeln, (915) 780-4724]

3C. That the City Manager be authorized to approve the City's limited participation in Rebuilding Together – El Paso, Inc's April 28, 2007, revitalization and rehabilitation of seventeen homes owned by low-income elderly and/or disabled residents which participation shall consist solely of accepting at the Clint Landfill and paying the City's standard landfill fee for up to ten tons of waste and debris from the residential revitalization transported by Rebuilding Together – El Paso, Inc. volunteers to the Clint Landfill. **(All Districts)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

3D. That the Department of Environmental Services of the City of El Paso be authorized to provide various municipal resources available to assist ENTACT Services, LLC, in completing additional soil removal and restoration activities in the West and West-Central area of the City of El Paso. **(District 8)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

- 3E.** That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of Landscape Architect is hereby created as specified in the duties and responsibilities attached hereto. The Code is 13121. The Grade is PM 128. Salary Range: \$45,788.24 - \$66,392.95 (PM 128). **(All Districts)**
[Human Resources, Linda Ball Thomas, (915) 541-4509]
- 3F.** That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of Parks Superintendent is hereby created as specified in the duties and responsibilities attached hereto. The Code is 16045. The Grade is PM 132. Salary Range: \$54,542.78 - \$81,814.17 (PM 132). Fund Source: 51010256-01101-51000. **(All Districts)** [Human Resources, Linda Ball Thomas, (915) 541-4509]
- 3G.** That the City Manager be authorized to submit a grant application from the City of El Paso Police Department to the United States Department of Justice, Bulletproof Vest Partnership Program and accept a grant in the amount of \$23,940.00 for the acquisition of 120 bulletproof vests for the Police Department; and the City Manager be authorized to sign any related paperwork, including all understandings and assurances contained therein, and apply for, accept, reject, alter, or terminate the grant and authorize budget transfers. A cash match is required in the amount of \$23,940.00 which will be paid from General Fund account number 21010050-506000-01101. **(All Districts)**
[Police Department, Paul Cross, (915) 564-7310]
- 3H.** That the El Paso City Council approves the Resolution and the submission of the Domestic Abuse Response Team grant application to the Office of the Governor, Criminal Justice Division, and that the City Manager be authorized to sign grant related documents including all understandings and assurances contained therein, and apply for, accept, reject, alter, or terminate the grant in the amount of \$90,848.12, in-kind match required in the amount of \$54,253.53. **(All Districts)**
[Police Department, Paul Cross, (915) 564-7310]
- 4. REINSTATEMENTS:** Request for name(s) to be placed on Reinstatement List in accordance with Article VI, Section 6.10.10, of the Civil Service Charter Provisions:
- 4A.** Gonzalez, Juan J. – Secretary
[Community and Human Development, Bill Lilly, (915) 541-4241]
- 4B.** Sierra, Luz – Senior Office Assistant
[Police Department, Paul Cross, (915) 564-7310]
- 5. BOARD APPOINTMENTS:**
- 5A.** Teri L. Froetschel to the El Paso Mountain Committee by Representative Jose Alexandro Lozano, District 3. [Representative Jose Alexandro Lozano, (915) 541-4515]
- 5B.** Lois Balin to the Tree Board by Representative Melina Castro, District 4.
[Representative Melina Castro, (915) 541-4400]

6. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.

- 6A.** Request that the Purchasing Manager of Financial Services be authorized to issue a Purchase Order to eCivis, the creator and sole provider of Grants Locator software. The contract term is twelve months. The initial contract period is June 1, 2007, through May 31, 2008.

Department: Information Services
 Option: Two options to extend an additional two years, subject to City Council approval
 Account No.: 39010351 - 01101 - 502202
 Funding Source: Operating Account, Computer Related Leases
 Annual Estimated Award: \$39,000.00
Districts: **All**
 Sole Source No.: 2006-110

In addition, it is requested that the City Attorney's Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary during the contract.

[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

[Financial Services, Terrence Freiburg, (915) 541-4313]

- 6B.** Request that the Purchasing Manager of Financial Services be authorized to issue a Purchase Order to Con-Space Communications, the manufacturer for implementing modification of the Fire Department's Scott EZ Radiocom II's.

Department: Fire
 Annual Estimated Award: \$34,000.00
 Account No. 04200401-29204-508035 Project PMB0005004
 Funding Source: Fire Capital Acquisitions, Communication Equipment Maintenance.
Districts: **All**
 Sole Source No.: 2007-166
 [Financial Services, Terrence Freiburg, (915) 541-4313]

7. BID:

The award of Solicitation No. 2007-140 (Food & Beverage Concession for Parks & Recreation) to Big Boy Concessions, Inc. and Isseel Ice Cream for a total estimated award of \$83,400.00.

Department: Parks and Recreation
 Award to: Vendor 1 Big Boy Concessions, Inc.
 El Paso, TX
 Items: Marty Robins and Blackie Cheshier Parks
 Award to: Vendor 2 Isseel Ice Cream
 El Paso, TX
 Item: Veterans Parks
 Option: Extend contract an additional 24 months

Annual Estimated Amount: \$27,800.00
 Account No.: Revenue
 Funding Source: Revenue
 Total Estimated Award: \$83,400.00
Districts: 4, 5, and 6

This is a thirty-six month contract.

The Departments of Financial Services and Parks and Recreation recommend award as indicated. [Financial Services, Terrence Freiburg, (915) 541-4313]

REGULAR AGENDA - INTRODUCTIONS

8. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

**Public comment typically is not taken during the introduction of ordinances.
 Public comments are invited at the date of the scheduled public hearing.**

- 8A.** An Ordinance amending Title 5 (Business Taxes, Licenses & Regulations), Chapter 5.54 (Sexually Oriented Business) of the El Paso City Code in its entirety, relating to licensing requirements and regulations for sexually oriented businesses within the city limits of El Paso. **(All Districts)**
 [City Attorney's Office, Laura P. Gordon, (915) 541-4550]
- 8B.** An Ordinance deleting Chapter 2.80 (Cable Communication Commission) of the El Paso City Code to abolish the Cable Communication Commission. **(All Districts)** [Financial and Administrative Services, William F. Studer, (915) 541-4215]
- 8C.** An Ordinance granting a license to Pulse Media, Inc., d/b/a Lumenbrite Café, permitting the operation of a concession inside the Memorial Park Branch of the El Paso Public Library and authorizing the Mayor to sign, on behalf of the City of El Paso, a License upon the terms set forth in the Ordinance and Exhibit A, the License Agreement. **(District 2)** [Library, Carol Brey-Casiano (915) 543-5406]
- 8D.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.08, Section 12.08.230 (Disabled-Parking Enforcement Volunteers) of the El Paso City Code to amend the provisions relating to approval of Volunteer Services Agreement by City Manager. **(All Districts)** [Police Department, Paul Cross, (915) 564-7310]

PUBLIC HEARING WILL BE HELD ON MAY 8, 2007, FOR ITEMS 8A – 8D

- 8E.** An Ordinance changing the zoning of a portion of Tract 2A, Block 1, Morehead Block, City of El Paso, El Paso County, Texas, from R-4 (Residential) to C-3 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: West of Casa Drive and North of Montana Avenue. Applicant: Casa Ford Lincoln Mercury. ZON06-00006 **(District 2)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]

PUBLIC HEARING WILL BE HELD ON MAY 15, 2007, FOR ITEM 8E

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9:00 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8:00 a.m. to 5:00 p.m.

REGULAR AGENDA – PUBLIC HEARINGS

9. INTRODUCTION AND PUBLIC HEARING – FINANCIAL SERVICES:

An Ordinance authorizing the issuance of “El Paso Public Improvement District No. 1 (Thunder Canyon) Special Assessment Revenue Bonds, Series 2007;” and resolve matters which are necessary to effectuate said issuance. **(All Districts)**

[Bond Counsel, Paul A. Braden, (915) 544-9997]

10. PUBLIC HEARINGS – DEVELOPMENT SERVICES:

10A. An Ordinance changing the zoning of all of C.R. Morehead Survey No. 16 and a portion of Hill Terrace Addition, El Paso, El Paso County, Texas, from R-4 (Residential) to A-3 (Apartment) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: East of Radford Street and North of Nashville Avenue. Applicant: Victoria & Rosalie Hamrah. ZON06-00063 **(District 2) THIS IS AN APPEAL CASE.**

[Development Services/Planning, Esther Guerrero, (915) 541-4720]

10B. An Ordinance changing the zoning of Tract 7A, Section 29, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-4 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Dyer Street, South of Ashley Road. Applicant: Newman Ranch Partners, LP. ZON07-00002 **(District 4)**

[Development Services/Planning, Arlan Greer, (915) 541-4322]

10C. An Ordinance granting special permit No. ZON06-00128 to allow for a planned residential development on a portion of Tracts 2R1, 2R3, and 2A10B, Block 6, Ascarate Grant, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.040 (Zoning) of the El Paso City Code. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. ZON06-00128 **(District 7)**

[Development Services/Planning, Arlan Greer, (915) 541-4322]

10D. An Ordinance granting Special Permit No. ZON07-00001 to satisfy parking requirements for Parcel 1, described as Lot 20, Block 8, Cotton Addition, City of El Paso, El Paso County, Texas, (2224 Yandell Drive); by allowing off-site off-street parking on Parcel 2, described as a portion of Lots 9 and 11 and all of Lot 10, Block 16, Cotton Addition, City of El Paso, El Paso County, Texas, (2219 Yandell Drive); Parcel 3, described as the south portions of Lots 21-24, Block 8, Cotton Addition, City of El Paso, El Paso County, Texas, (2216 Yandell Drive), and Parcel 4, described as Lots 26-32, and a portion of Lot 25, Block 8, Cotton Addition, City of El Paso, El Paso County, Texas, (2212 Yandell Drive), pursuant to Section 20.42.040 of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 2224 Yandell Drive. Applicant: Socorro Moreno. ZON07-00001 **(District 8)**

[Development Services/Planning, Esther Guerrero, (915) 541-4720]

- 10E.** An Ordinance granting a Special Privilege to Chico's Tacos Inc. permitting the encroachment onto a portion of an alley adjacent to Block 2, Tobin's Washington Park Addition, El Paso, El Paso County, Texas, to allow parking, signage, landscaping, vehicular and pedestrian traffic. (Annual Fee: \$660.00, SPL07-00001) **(District 3)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 10F.** An Ordinance vacating the portion of the alley abutting Lots 1 through 10, Block 2, Tobin's Washington Park Addition, City of El Paso, El Paso County, Texas. Applicant: Chico's Tacos Inc. AV06001 **(District 3)** [Development Services/Planning, Fred Lopez, (915) 541-4925]
- 10G.** An Ordinance vacating a portion of an alley located between Pera Street and Washington Park, City of El Paso, El Paso County, Texas. Applicant: Chico's Tacos Inc. AV06002 **(District 3)** [Development Services/Planning, Fred Lopez, (915) 541-4925]
- 10H.** An Ordinance authorizing the City Manager to sign a Conservation Easement Agreement with the Frontera Land Alliance for a portion of Tract 1-E, H.G. Foster Survey No. 259, El Paso County, Texas, according to the map on file in the Office of the Central Appraisal District, El Paso County, Texas. Applicant: City of El Paso. **(District 1)** [Development Services/Planning, Christina Valles, (915) 541-4930]
- 10I.** An Ordinance changing the zoning of Tract 8B1, Block 11, Upper Valley Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-2 (Residential) and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Borderland Road. Applicant: Howard Wells. ZON06-00154. **(District 1)** [Development Services/Planning, Arlan Greer, (915) 541-4322] **POSTPONED FROM 04-17-07**

11. PUBLIC HEARING – ENGINEERING:

An Ordinance amending Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses), Subsection C (Exceptions) of the El Paso City Code to add an exception for contractor stamps, the penalty being as provided in Chapter 1.08, General Penalty, of the El Paso City Code. **(All Districts)** [Engineering, R. Alan Shubert, (915) 541-4557]

12. PUBLIC HEARING – TAX OFFICE:

An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest in real property located at the southeast corner of Benito Way and Candelaria St., as more particularly described in the Ordinance, to MJ Real Properties, Inc., in accordance with Section 34.05 (h) of the Tax Code. **(District 6)** [Tax Office, Carmen I. Perez, (915) 545-5481]

REGULAR AGENDA – OTHER BUSINESS

13. MAYOR AND COUNCIL:

- 13A.** Discussion and action regarding the installation of four-way stop sign signage at the intersection of Bucher and Dale Streets. [Representative Jose Alexandro Lozano, (915) 541-4515] **POSTPONED FROM 04-10-07**

- 13B. Discussion and action regarding placing the Lee Trevino Extension back into the City of El Paso Major Thoroughfare Plan. [Mayor John F. Cook, (915) 541-4145]
POSTPONED FROM 04-10-07
- 13C. Discussion and action on the City of El Paso taking over responsibility of alleys, including maintenance, clean up, and physical condition; and to return to alley collection of residential trash and recycling.
[Representative Beto O'Rourke, (915) 541-4268]
- 13D. Quarterly Report by the Committee on Border Relations by the Committee Chair Jose Contreras. [Mayor's Office, Robert Andrade, (915) 541-4145]
- 13E. Discussion and action on meeting between the Cities of Ciudad Juarez, City of Sunland Park, and the City Of El Paso by Committee on Border Relations by the Committee Chair Jose Contreras. [Mayor's Office, Robert Andrade, (915) 541-4145]

14. FINANCIAL SERVICES:

- 14A. Discussion and action regarding the appointment of First Southwest Company as placement agent for the City's proposed issuance of its Public Improvement District #1 Special Assessment Revenue Bonds, Series 2007. **(All Districts)**
[Financial Administrative Services, Bill Studer, (915) 541-4215]
[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]
- 14B. Discussion and action on a Resolution that the City Manager be authorized to approve an Agreement by and between Massachusetts Bay Transportation Authority and City of El Paso for the Assignment of Option Rights in order to purchase twenty (20) 40-foot low floor compressed natural gas (CNG) option buses under formal Contract No. 639 (IFB No. CAP 9-01) and approve the purchase of twenty (20) option CNG buses from North American Bus Industries, Inc. The cost of each bus is \$397,172.32 (\$404,172.32 net of discount of \$7,000.00) plus spare parts in the amount of \$196,488.34, for a total purchase amount of \$8,139,934.74. The funding for these buses will come from a combination of federal and local funding, subject to FTA reprogramming.

Federal funds in the amount of \$4,065,216.87 have been allocated for this purchase with a required local match of \$691,086.87. Federal funds in the amount of \$4,074,717.87, with a required local match of \$814,943.57, are subject to reprogramming and are anticipated to be allocated for this purchase. The local match as well as any remaining funding needed for the buses will be funded through the lease purchase financing agreement approved by the City Council on July 25, 2006, or fund balances or both. The amount financed shall be paid through revenues generated from the Mass Transit Department. **(All Districts)**
[Financial Services, Terrence Freiburg, (915) 541-4313]

15. CITY MANAGER:

City Manager's report of current events and issues:

- 15A. Discussion and action on issues related to Storm 2006.
[Development Services, R. Alan Shubert, (915) 541-4557]

- 15B.** Quarterly Financial Report: 2nd Quarter for Fiscal Year 2007/2008.
[Financial Administrative Services, William Studer, (915) 541-4215] POSTPONED FROM 04-17-07

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>